

11 AUG 2010



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In re Application of	:	DECISION ON
Frank HENGLEIN et al	:	
Application No.: 10/584,691	:	
PCT No.: PCT/EP04/14663	:	
Filing Date: 23 December 2004	:	PETITION UNDER
Priority Date: 21 July 2004	:	
Attorney Docket No.: P/746-7	:	
For: METAL PIGMENTS COMPRISING ...	:	
COATING AND USE THEREOF	:	37 CFR 1.182

This decision is in response to the "PETITION UNDER 37 CFR 1.182 TO CORRECT FILING DATE" filed on 05 October 2009, to correct the "Submission of Declaration" filed on 16 August 2006 in response to the Notification of Missing Requirements because it contained a typographical error in the application number since it was filed as 10/548,691 rather than the correct serial number 10/584,691. The petition fee of \$400.00 has been charged to Deposit Account No.: 15-0700.

BACKGROUND

In a decision from this Office on 17 February 2009, the Office granted the decision under 37 CFR 1.181 and indicated that based on the USPTO return postcard it was accepted that the Declaration was timely deposited with U.S. PTO on 22 May 2007.

On 15 July 2009, the USPTO mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 C.F.R. 1.495 (Form PCT/DO/EO/903)," indicating that date of receipt of 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) requirements is 22 May 2007, and a date of completion of all 35 USC 371 requirements of 22 May 2007.

On 05 October 2009, applicants filed the current petition to correct the papers filed on 16 August 2006, which included an executed declaration, that identified the application number as 10/548,691 rather than the correct application number 10/584,791.

DISCUSSION

Petitioner states that the response filed on 16 August 2006 accidentally transposed two numbers in application number (10/548,691) assigned for the aforementioned application (10/584,691); however, all of the other information pertaining to the above-identified application was correct.

Therefore, petition to accept the response of 16 August 2006 for the instant application is granted. The Response on 16 August 2006 will be moved and placed in the instant application.

As a result, the Notification of Acceptance (Form PCT/DO/EO/903) mailed on 15 July 2009 is **VACATED** with the mailing of this decision.

A new Notification of Acceptance (Form PCT/DO/EO/903) will be mailed in accordance with this decision

The second charge of \$130.00 for the declaration will be refunded to Deposit Account No. 15-0700 since it was paid in excess.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) to mail a new Notification of Acceptance (Form PCT/DO/EO/903).



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